IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 30218 of 2007(V)

PETITIONER:

1. N.XAVIER, S/O NALLATHAMPI, CONVENOR, HEADLOAD & GENERAL WORKERS UNION(CITU), THOLLUKUZHI UNIT, PERUMKADAVILA PANCHAYAT, NEYYATTINKARA TALUK.

2. K.PUTUSHOTHAMAN, S/O KUMARA PILLAI, CONVENOR, HEADLOAD & GENERAL WORKERS UNION(BMS), DO. DO.

3. J.JOSEPH, S/O JOHN, CONVENOR, HEADLOAD & GENERAL WORKERS UNION(INTUC), DO. DO.

BY ADV. SRI.G.SUDHEER

RESPONDENTS:

1. CIRCLE INSPECTOR OF POLICE, VELLARADA, NEYYATTINKARA TALUK.

2. SUB INSPECTOR OF POLICE, ARYAMKODE POLICE STATION, NEYYATTINKARA.

3. M.ASHOKAN, VADAKKUMKARA VEEDU, PAZHYANJIKUZHI, THOLLUKUZHI, PERUMKADA VILA P.O., NEYYATTINKARA.

4. K.DIVAKARAN, S/O KRISHNAN, KIZHAKKUMKARA PUTHEN VEEDU, PAZHANJIKUZHI, DO. DO.

5. N.ASARI, WORKING IN KSEB,
NIDHIN NIVAS, DO. DO.

6. FRANCIS, S/O KESAVAN NADAR,
THEKKUMKARA PUTHEN VEEDU,
PAZHANJIKUZHI, DO. DO.

ADDL. R7 IMPLEADED

ASSISTANT LABOUR OFFICER,
OFFICE OF THE ALO, NEYYATTINKARA,
NEYYATTINKARA P.O.

Impleaded as per order dt. 13.11.07 on IA 14804/07

BY GOVT. PLEADER SRI.BENJAMIN PAUL
BY ADV. SRI.AJITH KRISHNAN
SRI.R.GOPAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.Balakrishnan Nair &
K.P.Balachandran, JJ.

W.P.(C)No. 30218 of 2007 V

JUDGMENT

Balakrishnan Nair, J.

The petitioners represent three Trade Unions of Headlod Workers of Thollukuzhi area. They were doing the loading and unloading works in Pazhanjikuzhi area also. Recently, respondents 3 to 6 have started causing obstruction to their working in Pazhanjikuzhi area. Therefore, they moved the police for protection for doing the loading and unloading works in Pazhanjikuzhi area. They have registration under the Headload Workers Rules. Therefore, the police are bound to assist them to assert their rights flowing from the said registration, it is submitted.

2. The fifth respondent Sri.Asari has filed a counter affidavit stating that he is an employee of

the KSEB and he has nothing to do with the headload workers' dispute. The learned counsel for respondents 3 and 4 submitted that in Pazhanjikuzhi area, they and others are doing the loading and unloading works. The members of the Trade Unions represented by the petitioners have never worked there. It is submitted that the local workmen have moved for registration under the Headload Workers Rules. Their applications are pending consideration before the Assistant Labour Officer. Because of the objection raised by the petitioners, so far, the registration has not been granted to them.

3. The learned Government Pleader, upon instructions, submitted that as per the Assistant Labour Officer, the workmen of Thollukuzhi area have not worked at Pazhanjikuzhi. The applications of the party respondents for registration are being processed. A final decision will be taken soon.

Having regard to the facts of the case, we notice that the dispute raised in this writ

petition is a dispute between the two groups of Headload Workers, which has to be resolved by the authorities under the Headload Workers Act. The police cannot be asked to help one side or the other. Accordingly, the writ petition fails and it is dismissed. After the decision of the statutory authorities and the rights of the parties are established, if there is any further problem, the aggrieved parties will be free to work out their remedies. The rights of the parties in this regard are kept open.

(K.Balakrishnan Nair, Judge)

19th November, 2007

(K.P.Balachandran, Judge)

tkv